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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,393

10/19/2007

Markus Becker

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12/22/2010

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

12/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,393	Applicant(s) BECKER ET AL.	
	Examiner Marcus Charles	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Drafts, Person's Patent Drawing, Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action relating to serial application number 10/523,393 filed 10/19/2007.

Claims 1-2, 5-12 and 16-17 are currently pending.

Election/Restrictions

1. Applicant's election without traverse of Group I drawn to a bearing housing with connecting surface to claims 1, 2, 5-12, 16 and 17 in the reply filed on 11-1-2010 is acknowledged.
2. Applicant elected to cancel the non-elected claims 3-4 and 13-15.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an (PCT) application filed in Europe on 9-19-2003. It is noted, however, that applicant has not filed a certified copy of the European PCT application as required by 35 U.S.C. 119(b).

Drawings

4. The drawings are objected to because in fig. 1 the viewing line A-A should be --B-B--.

The plane upon which a sectional view is taken should be indicated on the view from which the section is cut by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: In page 4, last line of last paragraph, the plane “A-A” should be --B-B--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 9,16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, "the two bearings" lack proper antecedent basis.

In claim 16, "a rotor shaft" is a double inclusion because a rotor shaft is recited in claim 1. In addition, the dimensional analysis in relation to r and y_s and r is not clear. It is not clear if y_s and r have the same dimensional units.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 5, 8-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipating by Paul (2,972,327). Paul discloses a bearing housing (110) accommodating a rotor shaft (106); the housing comprises a flange (50) for attaching the housing to a main frame (14/16/24), the flange having, at least part of the connecting surface is below the rotor shaft.

In claim 5, note the connecting surface is arranged in one plane.

In claim 8, the housing is suitable for accommodating two bearings for holding the rotor shaft.

In claim 11, note the connecting surface of the flange of the bearing housing is continuous.

In claim 9, the housing of Paul inherently includes two bearing (one bearing (110) is shown in fig. 1).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul in view of Trapp (3,386,242). Paul fails to disclose plane is inclined with respect to the rotor shaft axis by at least 20°. Trapp discloses a rotor shaft housing (15) having a flange connection average by a plane that is incline with respective to the axis of the by an angle of at least 20°. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Paul so that the connecting surface in a plane 20° in view of Trapp in order to allow for easy assembling and dismantling of the system.

12. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul. Paul fails to disclose the flange has a thickness below 120 mm and the connecting surface of the flange has an area of at least 1.5 m². It would have been obvious to one of ordinary skill in the art at the time of the to modify the flange of Paul so that the thickness of the flange below 120 mm and the area is 1.5 m², since it has been held that where the general conditions of a claim is disclosed in the prior art,

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discovering the optimum ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paul. Paul fail to disclose the bearing housing is essentially a single cast iron component. it would have been obvious to one of ordinary skill in the art at the time of the invention make the housing out of a single cast Iron component, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paul. Paul discloses the flange comprising (74) having openings for fastening means (76) arrange along a curvature but fails to disclose at least in sections. It would have been obvious to one of ordinary skill in the art at the time of the invention so that the flange section can be in at least sections, since it has been held that constructing a formerly integral structure in various elements involves routine skill in the art. Nerwin V. Erlichman, 168 USPQ 177, 179

15. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Paul and Trapp as in paragraph 8 above and in view of Parkins (4,498,017). Paul discloses the bearing housing but does not disclose the housing is used with wind turbine. Parkins discloses a wind turbine comprising a bearing housing but fails to disclose the housing as set forth in claim 1. It would have been obvious to one of ordinary skill in the art of the invention to modify the housing of Paul so that it can

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be used with the wind turbine of Parkins in order to facilitate easy assembling, disassembling and stability. In addition, Trapp discloses the shaft defining an x-axis, a tower (see the vertical section of the housing) defining a z-axis and the axis of the rotor is located at a y-position, wherein the rotor shaft inherently has a radius (r).

Regarding claim 17, Trapp discloses the flange is partly positioned at a z-position below the rotor shaft and at a y-position but fails to disclose the y-position is between $y_s - r$ and $y_s + r$. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the orientation or position of the flange of Trapp so that the y-position is between $y_s - r$ and $y_s + r$, since it has been held that where the general conditions of a claim is disclosed in the prior art, discovering the optimum ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Citation

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Charles

/Marcus Charles/

Primary Examiner, Art Unit 3656